

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TEYO JOHNSON,

Plaintiff,

-v-

EVERYREALM INC., ET AL.,

Defendants.

22 Civ. 6669 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On March 10, 2023, defendants filed a motion to dismiss the complaint under Rule 12 of the Federal Rules of Civil Procedure. Dkt. 73. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by March 31, 2023. No further opportunities to amend will ordinarily be granted. If plaintiff does amend, by April 14, 2023, defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that they rely on the previously filed motion to dismiss.¹

It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by March 31, 2023. Defendants' reply, if any, shall be served by April 14, 2023. At the time any reply is served, the moving party shall supply the Court with a courtesy copy of all motion papers by attaching them as PDF files to a single email addressed to EngelmayerNYSDChambers@nysd.uscourts.gov.

¹ If defendants file a new motion to dismiss or relies on their previous motion, plaintiff's opposition will be due 14 days thereafter, and defendants' reply, if any, will be due seven days after that.

The Court will determine later—after plaintiff elects whether to amend or oppose, and if the former, whether defendants have moved to dismiss the amended complaint—whether to schedule argument on the motion to dismiss.

SO ORDERED.

A handwritten signature in blue ink that reads "Paul A. Engelmayer". The signature is written in a cursive, flowing style.

PAUL A. ENGELMAYER
United States District Judge

Dated: March 14, 2023
New York, New York